

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:08cv563

SHELLEY DEAN,
Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the court upon the Memorandum and Recommendation of United States Magistrate David C. Keesler, filed December 22, 2010. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72 of the Federal Rules of Civil Procedure, written objections to the Memorandum and Recommendation must be filed within 14 days after service of the same. No objections have been filed.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny both the Plaintiff's and the Defendant's Motions for Summary Judgment and to vacate and remand the Commissioner's determination for reconsideration of the record and a new hearing is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are hereby affirmed.

IT IS THEREFORE ORDERED that the Memorandum and Recommendation of the magistrate is hereby AFFIRMED.

Signed: January 18, 2011



Graham C. Mullen
United States District Judge

